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5
6 Attorneys for Defendant
Aviation Services (CNMI), Ltd. dba Freedom Air

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8
9 UNITED STATES DISTRICT COURT
10 FOR THE
11 NORTHERN MARIANA ISLANDS

12
13 MOSES T. FEJERAN and
QIANYAN S. FEJERAN,

14 CIVIL ACTION NO. 05-0033

15 Plaintiffs,

16 vs.

17 AVIATION SERVICES (CNMI), LTD.
dba FREEDOM AIR,

18 Defendant.
19
DEFENDANT'S RESPONSE TO
PLAINTIFFS REQUESTS FOR
PRODUCTION OF DOCUMENTS;
CERTIFICATE OF SERVICE

20 Defendant Aviation Services (CNMI), Ltd. dba Freedom Air, hereby responds to
21 Plaintiffs Requests for Production of Documents as follows:

22 **Request No. 1:** Please produce any and all DOCUMENTATION within YOUR
23 custody, possession or control that RELATED TO any policies and/or procedures, either written
24 or spoken, official or unofficial, that YOU had in force at the time of the OCCURRENCE to
25 ensure that the methods and instrumentalities by which passengers embark and/or disembark
26 from YOUR aircraft were reasonably safe.

27
28 4839-7974-5280.1.059303-00001

Law Offices
O'Connor German Dotts & Rane

RECEIVED

By: Jhen
Date: 5/8/06
Time: 4:11 pm

1 **Response to Request No. 1:** Defendant objects to the request on the grounds that it is
2 overly broad as to scope and time frame and could possibly encompass attorney work product
3 and attorney-client communications. Subject to the objection and without waiving it, responsive
4 documents have been produced.

5

6 **Request No. 2:** Please produce any and all DOCUMENTATION within your custody,
7 possession or control that RELATES TO any and all PEOPLE to your knowledge who have
8 slipped, tripped, fallen or otherwise had any accident while embarking or disembarking from any
9 of YOUR aircraft regardless of the method or instrumentality used in said embarkation or
10 disembarkation regardless of whether or not that particular PERSON suffered any injury or not.

11 **Response to Request No. 2:** Defendant objects to the request on the grounds that it is
12 overly broad as to scope and time frame and could possibly encompass attorney work product
13 and attorney-client communications. Subject to the objection and without waiving it, if
14 responsive documents exist they will be produced. Documents within the scope of the request
15 which are withheld for any reason will be noted on a privilege log.

16

17 **Request No. 3:** Please produce any and all DOCUMENTATION within your custody,
18 possession or control RELATED TO any policy or procedure, written or spoken, official or
19 unofficial, that YOU had in force at the time of the OCCURRENCE that governed the actions of
20 YOUR employees when a passenger on any of YOUR aircraft is injured in any way.

21 **Response to Request No. 3:** Defendant objects to the request on the grounds that it is
22 overly broad as to scope and time frame and could possibly encompass attorney work product
23 and attorney-client communications. Subject to the objection and without waiving it, responsive
24 documents have been produced.

25

26 **Request No. 4:** Please produce any and all DOCUMENTATION within your custody,
27 possession or control RELATED TO any and all PEOPLE to your knowledge who have slipped,
28 tripped, fallen or otherwise had any accident while embarking or disembarking from any of

1 **Response to Request No. 8:** Documents responsive to this request have been
2 produced.

3

4 **Request No. 9:** To the extent you have not already done so, please produce all written
5 or recorded statements, notes, or recorded interviews of any PERSON YOU contend has
6 RELEVANT knowledge of any of the allegations in the Complaint, including but not limited to
7 the OCCURRENCE and Plaintiff Moses Fejeran's INJURIES.

8 **Response to Request No. 9:** Defendant objects to the request on the grounds that it
9 could possibly encompass attorney work product and attorney-client communications. Subject to
10 the objection and without waiving it, responsive documents have been produced. Documents
11 within the scope of the request which are withheld for any reason will be noted on a privilege
12 log.

13

14 **Request No. 10:** Please produce any and all DOCUMENTS depicting, showing or
15 otherwise re-enacting the OCCURRENCE.

16 **Response to Request No. 10:** None.

17

18 **Request No. 11:** Please produce any and all DOCUMENTS which YOU contend are
19 RELEVANT to the extent of Plaintiff Moses Fejeran's INJURIES.

20 **Response to Request No. 11:** None.

21

22 **Request No. 12:** Please produce all DOCUMENTS that YOU will use or offer into
23 evidence at trial in this matter.

24 **Response to Request No. 12:** Defendant objects to this request on the grounds that a
25 response to it would reveal attorney mental impressions and work product. Additionally, the
26 request prematurely seeks a trial exhibit list. Subject to the objections and without waiving
27 either one, documents which may be used at trial will be produced or disclosed, but without
28 designating them as such. Documents within the scope of the request which are withheld for any

1 reason will be noted on a privilege log

3 **Request No. 13:** Please produce any and all DOCUMENTS, including but not limited
4 to photographs or videotapes, depicting, showing or reflecting either Plaintiff since the
5 OCCURRENCE that YOU contend are RELEVANT to this lawsuit

6 Response to Request No. 13: None.

8 **Request No. 14:** To the extent not already done so, please produce all RELEVANT
9 DOCUMENTS received from any PERSON

10 Response to Request No. 14: Defendant objects to the request on the grounds that it
11 could possibly encompass attorney work product and attorney-client communications. Subject to
12 the objection and without waiving it, if responsive documents exist they will be produced.
13 Documents within the scope of the request which are withheld for any reason will be noted on a
14 privilege log.

16 **Request No. 15:** To the extent not already done so, please produce all DOCUMENTS
17 YOU contend are RELEVANT to any of YOUR affirmative defenses.

18 **Response to Request No. 15:** Defendant objects to the request on the grounds that it
19 could possibly encompass attorney work product and attorney-client communications. Subject to
20 the objection and without waiving it, if responsive documents exist they will be produced.
21 Documents within the scope of the request which are withheld for any reason will be noted on a
22 privilege log.

24 **Request No. 16:** Please produce any and all DOCUMENTS YOU contend are
25 RELEVANT to YOUR claim that Plaintiff's Complaint fails to state a valid cause of action.

26 **Response to Request No. 16:** Defendant objects to the request on the grounds that it
27 could possibly encompass attorney work product and attorney-client communications. Subject to
28 the objection and without waiving it, if responsive documents exist they will be produced.

1 Documents within the scope of the request which are withheld for any reason will be noted on a
2 privilege log.

3

4 **Request No. 17:** Please produce any incident report or other DOCUMENT reflecting
5 any investigation by YOU of the OCCURRENCE including but not limited to any report YOU
6 filed with any local or federal Government agency including but not limited to the CPA and the
7 Federal Aviation Administration.

8 **Response to Request No. 17:** Documents responsive to this request will be produced.
9

10 DATED: Hagåtña, Guam, May 8, 2006.

11 CARLSMITH BALL LLP

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13 DAVID LEDGER
14 Attorneys for Defendant
Aviation Services (CNMI), Ltd.
dba Freedom Air

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of May 2006, I will cause to be served, via hand delivery, a true and correct copy of **DEFENDANT'S RESPONSE TO PLAINTIFFS REQUESTS FOR PRODUCTION OF DOCUMENTS** to the following Counsel of record.

David G. Banes, Esq.
O'Connor Berman Dotts & Banes
Second Floor, Nauru Building
Post Office Box 501969
Saipan, MP 96950

DATED: May 8, 2006.

David Ledger
DAVID LEDGER